

Under the provisions of Section 413.031 of the Texas Workers' Compensation Act, Title 5, Subtitle A of the Texas Labor Code, effective June 17, 2001 and Commission Rule 133.305, titled Medical Dispute Resolution-General, and 133.307, titled Medical Dispute Resolution of a Medical Fee Dispute, a review was conducted by the Division regarding a medical fee dispute between the requestor and the respondent named above. This dispute was received on 9/12/03.

### **I. DISPUTE**

Whether there should be additional reimbursement for dates of service 9/19/02 through 4/03/03. The Carrier denied additional reimbursement as "1-(M) Charge for this procedure exceeds average wholesale price plus mark-up (Z650)."

### **II. RATIONALE**

The Requestor billed \$55.84 for Vanacet, hydro/apap 5/500mg #60 which is a generic drug, for date of service 9/19/02. According to 2002 Red Book, the AWP for Vanacet, hydro/apap 5/500mg #60 is  $\$37.19 \times 1.25 + 4.00 = \$50.49$ . The Respondent has not reimbursed in accordance with Rule 134.503(a)(2)(A). On this basis, reimbursement is recommended in the amount of \$5.95 (\$50.49 MAR - \$44.54 Carrier reimbursement = \$5.95).

The Requestor billed \$209.60 for Carisoprodol 350mg #60 which is a generic drug, for each date of service (DOS) 9/19/02, 10/22/02, 11/27/02, 12/31/02, 1/28/03, 2/28/03, and 4/03/03. According to the 2002 Red Book, the AWP for Carisoprodol 350mg #60 is  $\$164.48 \times 1.25 + \$4.00 = \$209.60$ . The Requestor billed in accordance with Rule 134.503 (a)(2)(A). On this basis, reimbursement is recommended in the amount of \$184.24. (\$209.60 billed for each DOS - \$183.28 Carrier reimbursement = \$26.32 for each DOS = \$184.24).

### **III. DECISION & ORDER**

Based upon the review of the disputed healthcare services within this request, the Division has determined that the Requestor is entitled to reimbursement for Vanacet, hydro/apap 5/500mg #60 and Carisoprodol 350mg #60 in the amount of \$190.19. Pursuant to Sections 402.042, 413.016, 413.031, and 413.019 the Division hereby ORDERS the Respondent to remit \$190.19 plus all accrued interest due at the time of payment to the Requestor within 20 days receipt of this Order.

The above Decision and Order are hereby issued this 01<sup>st</sup> day of March 2004.

Pat DeVries  
Medical Dispute Resolution Officer  
Medical Review Division

PD/pd